IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8132 OF 2003

Shri Sitaram Kashinath Talele ... .
Petitioner
V/s
The State of Maharashtra & Ors... ... .
Respondents.

Mr.N.V.Bandiwadekar, Adv. for the petitioner.

Mr.S.R.Nargolkar, AGP for respondents.

CORAM: V.G. PALSHIKAR,

Ag.C.J.

AND

SMT.NISHITA MHATRE,

J.

7.02.2006.

PC:

By this petition the petitioner has challenged the action of the respondents in relaxing pay of the petitioner after holding him to be untrained teacher though he has the qualification of B.A. B.Ed.

2. This decision was rendered by respondents taking into consideration judgment of this Court. The factual relaxation in payment is impugned in this petition. While granting Rule the reduction was stayed.

3. During the pendency of the petition, the petitioner has retired and is drawing pension in the same pay scale without any deduction. The pension was drawn on the basis of last pay drawn for the period of 10 months preceding retirement. Factually the petitioner has worked as primary teacher and his status as trained or untrained teacher depended on the pronouncement of this Court. Consequently having worked in that place and retired the petitioner has earned the pension. Writ Petition is therefore liable to be disposed of with direction that the pensionary benefits alloted to the petitioner be not touched. Order accordingly. Petition stands disposed of.

7/2/2006